

January 16, 1939

Honorable R. C. Musslewhite  
District Attorney  
Lufkin, Texas

Dear Mr. Musslewhite:

Opinion No. 115  
Re: Nepotism Law

This Office is in receipt of your letter of January 11, 1939, requesting an opinion as to whether the Nepotism Law prohibits the employment of the second wife of a man whose now deceased first wife was a sister of the wife of a trustee of a school district.

Your letter advises that there is living issue of the proposed teacher's husband by his first wife, but this is immaterial, since the proposed teacher's husband even during the life of his first wife was not related to the trustee within the terms of Article 432 of the Penal Code in that men who are not otherwise kin to each other do not become related by affinity merely by marrying sisters. 2 O.J. 379. This precludes the proposition that the man's second wife was related by affinity.

As said by C. J. Blackley in Central R. etc. Co. v. Roberts, 91 Ga. 513, 18 S. E. 315:

"The groom and bride each comes within  
the circle of the other's kin;  
but kin and kin are still no more  
related than they were before."

You are advised, therefore, that such employment is not prohibited by said Article 432.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Glen R. Lewis*  
Assistant

ORL:N

Approved

*Gerard B. Means*  
ATTORNEY GENERAL OF TEXAS